

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JOHN CHRISMAN,**

**Plaintiff,**

**v.**

**6:09-CV-0369**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**OFFICE OF STEPHEN J. MASTAITIS, JR.  
1412 Route 9P  
Saratoga Springs, NY 12866  
Counsel for Plaintiff**

**STEPHEN J. MASTAITIS, JR., ESQ.**

**SOCIAL SECURITY ADMINISTRATION  
Office of the Regional General Counsel  
26 Federal Plaza - Room 3904  
New York, NY 10278  
Counsel for Defendant**

**BENIL ABRAHAM, ESQ.  
Special Assistant U.S. Attorney**

**NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 30<sup>th</sup> day of August 2010. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

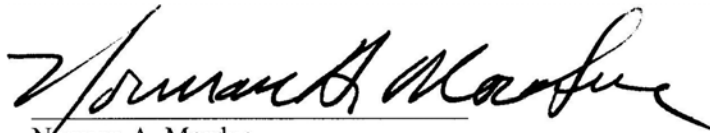
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

**ORDERED** that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Commissioner's determination of no disability is vacated and the matter is remanded to the agency for further consideration.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: September 14, 2010  
Syracuse, New York

A handwritten signature in black ink, appearing to read "Norman A. Mordue", written over a horizontal line.

Norman A. Mordue  
Chief United States District Court Judge